



Jumaane D. Williams [REDACTED]

---

## Fwd: Lobbyist Todd Howe, central figure in Albany corruption schemes, gets no prison time

1 message

---

Kevin Fagan <kfagan@pubadvocate.nyc.gov>

Fri, Apr 5, 2019 at 3:28 PM

To: "Jumaane D. Williams" [REDACTED]

----- Forwarded message -----

From: **POLITICO New York Pro** <ny.whiteboard@politicopro.com>

Date: Fri, Apr 5, 2019 at 3:25 PM

Subject: Lobbyist Todd Howe, central figure in Albany corruption schemes, gets no prison time

To: <kfagan@pubadvocate.nyc.gov>

By Laura Nahmias

04/05/2019 03:24 PM EDT

Todd Howe, the Albany lobbyist whose testimony played a central role in a pair of political corruption schemes that rocked the state Capitol, was sentenced Friday in Manhattan federal court to five years of probation and no jail time.

Howe pleaded guilty to eight felony counts of wire fraud, tax fraud, bribery and extortion for his role in facilitating hundreds of thousands of dollars in bribes to Cuomo's former right-hand-man Joe Percoco and for facilitating a bid-rigging scheme involving Dr. Alain Kaloyeros, the former head of the SUNY Polytechnic Institute. Both Percoco and Kaloyeros were convicted.

Howe also pleaded guilty to embezzling roughly \$1.7 million from his own law firm.

Howe faced up to 130 years in prison, but federal prosecutors argued for leniency in his sentencing because of his cooperation in the federal corruption trials.

To view online:

<https://subscriber.politicopro.com/states/new-york/albany/whiteboard/2019/04/05/lobbyist-todd-howe-central-figure-in-albany-corruption-schemes-gets-no-prison-time-9112774>

You received this POLITICO Pro content because your customized settings include: Albany: Lobbying. To change your alert settings, please go to <https://subscriber.politicopro.com/settings>

---

# POLITICOPRO

This email alert has been sent for the exclusive use of POLITICO Pro subscriber, kfagan@pubadvocate.nyc.gov. Forwarding or reproducing the alert without the express, written permission of POLITICO Pro is a violation of copyright law and the POLITICO Pro subscription agreement.

Copyright © 2018 by POLITICO LLC. All rights reserved. To subscribe to Pro, please go to [politicopro.com](http://politicopro.com).

---

This email was sent to kfagan@pubadvocate.nyc.gov by: POLITICO, LLC 1000 Wilson Blvd. Arlington, VA, 22209, USA

--

**Kevin L. Fagan**  
Communications Office  
*New York City Public Advocate*  
*Jumaane D. Williams*



Jumaane D. Williams [REDACTED]

## Fwd: Public Advocate Prelim SR18.121A 1-15-19

1 message

**Rance Huff** <rhuff@pubadvocate.nyc.gov>

Thu, Apr 11, 2019 at 2:27 PM

To: Jumaane Williams [REDACTED]

----- Forwarded message -----

From: **Welgrin, Lawrence** <lwelgri@comptroller.nyc.gov>

Date: Thu, Apr 11, 2019 at 1:06 PM

Subject: Public Advocate Prelim SR18.121A 1-15-19

To: rhuff@pubadvocate.nyc.gov <rhuff@pubadvocate.nyc.gov>

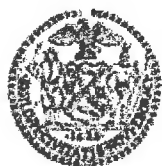
Cc: Cannady, Trudy <tcannad@comptroller.nyc.gov>, Hornung, Faige <fhornun@comptroller.nyc.gov>, Wong, Charlotte <cwong@comptroller.nyc.gov>

Good afternoon Mr Huff,

As discussed, I am sending you a copy of the preliminary draft of the Audit Report on the Purchasing Practices of the Office of the Public Advocate. We will be glad to have another exit conference with the current staff of the Public Advocate's office to answer any questions you may have and explain the process.

Sincerely,

Larry



**Lawrence Welgrin**

Audit Manager, Audits and Special Reports

Office of New York City Comptroller Scott M. Stringer

1 Centre Street, 13<sup>th</sup> Floor North, New York, NY  
10007

P: (212) 669-8326 lwelgri@comptroller.nyc.gov

\*\*\*\*\*

Sent from the New York City Office of the Comptroller. This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. This footnote also confirms that this email message has been swept for the presence of computer viruses.

\*\*\*Please consider the environment before printing this email\*\*\*  
\*\*\*\*\*

---

 **Public Advocate Prelim SR18.121A 1-15-19.docx**  
63K

# PRELIMINARY DRAFT

## THE CITY OF NEW YORK OFFICE OF THE COMPTROLLER AUDITS AND SPECIAL REPORTS

### Audit Report on Purchasing Practices of the Office of the Public Advocate

SR18-121A

---

## AUDIT REPORT

### Background

The Public Advocate is an elected official of the City, chosen in a City-wide election for a four-year term. The Public Advocate reviews and investigates complaints about City services; assesses whether agencies are responsive to the public; recommends improvements in agency programs and complaint-handling procedures; and serves as an intermediary for individuals who have encountered difficulties in obtaining assistance from City agencies. The Public Advocate also monitors the effectiveness of the City's public information and education efforts and the compliance of City officers and agencies with the New York City Charter.<sup>1</sup>

To carry out the responsibilities of the office, the Public Advocate is provided with City office space and a budget appropriation to support staff and to cover the expenses of operating the office. For Fiscal Year 2017, the Public Advocate's Office (PAO) reported total expenditures of \$3.5 million, consisting of \$3.3 million for Personal Service (PS) expenses for the salaries, wages, and fringe benefits of the PAO's 45 full-time City employees, and \$248,563 for Other Than Personal Service (OTPS) expenses, which covered the procurement of supplies, materials, and services necessary to support agency operations.<sup>2</sup>

In accordance with the City Charter, Administrative Code, and Rules of the City of New York, the Mayor, the Comptroller, and various oversight agencies have established rules and regulations to standardize administrative, financial, and management procedures across all City agencies. The City's Procurement Policy Board (PPB) promulgates rules governing City procurement and contracts. The Comptroller's Internal Control and Accountability Directives (Comptroller's Directives) contain rules and regulations that cover a broad array of management issues, internal controls, and procedures important to the efficient and effective operation of City agencies. All City agencies and elected officials are expected to comply with these rules and regulations.

---

<sup>1</sup> NYC Charter §24 establishes the term of office and sets forth the duties of the Public Advocate. The section also establishes election procedures to fill any vacancy in the office that occurs before the expiration of the elected Public Advocate's four-year term.

<sup>2</sup> According to the Comptroller's *Comprehensive Annual Financial Report for Fiscal Year 2017*.

# PRELIMINARY DRAFT

## **Objective**

To determine whether the PAO maintains adequate financial controls over purchasing practices for the OTPS expenditures as required by the City's PPB rules and the Comptroller's Directives.

## **Scope and Methodology Statement**

We conducted this performance audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives. This audit was conducted in accordance with the audit responsibilities of the City Comptroller as set forth in Chapter 5, §93, of the New York City Charter.

The scope of this audit covers the period from July 1, 2016 to March 30, 2018.

## **Discussion of Audit Results**

The findings in this report were discussed with PAO officials during and at the conclusion of this audit. This preliminary draft report is hereby being sent to the PAO and will be discussed at an exit conference. After the exit conference, we will submit a draft report to the PAO with a request for comments. Written comments received from the PAO will be included in the final version of this report.

# PRELIMINARY DRAFT

## FINDINGS AND RECOMMENDATIONS

The PAO has implemented financial controls over most of its purchasing practices, as required by the PPB rules and applicable Comptroller's Directives. However, the audit revealed instances of the PAO's noncompliance with certain aspects of those requirements. Specifically, for six of the seven out-of-town trips we reviewed, the PAO did not require its staff to submit requests for travel approval prior to making the travel arrangements; for five of the trips, the PAO also processed payments for hotel lodging that exceeded the maximum allowable General Services Administration (GSA) rates; and for one trip, the PAO incorrectly paid hotel occupancy and sales tax for its staff's lodging within New York State, all of which was contrary to Comptroller's Directive #6, *Travel, Meals, Lodging, and Miscellaneous Agency Expenses*. In addition, in reviewing the PAO's records of certain expenses incurred for the Public Advocate's individual travel and lodging, we found no evidence that Comptroller's Directive #6 had been used as a guide, which is the use the directive prescribes for certain elected officials, including the Public Advocate, who are not personally restricted by its regulations. We also found that the PAO charged the incorrect budget object code for 38 purchases totaling \$26,774 and did not always record Imprest Fund account transactions or maintain the account checkbook in accordance with the standards established by Comptroller's Directive #3, *Administration of Imprest Funds*. These matters are discussed in greater detail in the sections that follow in this report.

### **Noncompliance with Comptroller's Directive #6: Travel, Meals, Lodging, and Miscellaneous Agency Expenses**

The PAO lacked the required advance approval for six of the seven trips we reviewed, before it incurred the associated expenses, totaling \$9,089, for its staff members' out-of-town travel for conferences.<sup>3</sup> Instead, the PAO's records indicate that those expenses were submitted and approved for payment only after the trips had occurred. Comptroller's Directive #6, at sections 2 and 16, stipulates that City employees who travel must request approval for the proposed travel, and that written approval explaining the nature and agency purpose of the trip, the dates of travel, and an estimate of the cost, must be signed by the agency head or his or her designee, "[w]herever practicable . . . prior to the incurrence of the cost." Accordingly, in general, the PAO should not pay or incur expenses for staff travel and conferences before obtaining the required approval from the designated authorizing official(s). Payments made and expenses incurred without the required approvals or with approvals granted after the fact reflect weak internal controls and expose the agency to a heightened risk of misuse of City funds. Moreover, as described below, the PAO incurred and paid ineligible expenses for most of the trips in question—a situation that could have been avoided had the information that Comptroller's Directive #6 specifies concerning the trips and their estimated expenses been reviewed and acted on and approved in advance.

The PAO improperly processed lodging payments for PAO staff that exceeded maximum allowable rates. Of the seven out-of-town trips, we found five trips in which the PAO's payments for employees' hotel lodging exceeded the maximum allowable GSA rates.<sup>4</sup> Comptroller's

---

<sup>3</sup> This sum consists of the travel expenses of PAO staff members, not expenses incurred for the Public Advocate's travel, which are discussed separately below.

<sup>4</sup> The United States General Services Administration (GSA) establishes the per diem rates for destinations within the continental United States.

# PRELIMINARY DRAFT

Directive #6, §5.6.3 – *Lodging Rates* states that “[e]mployees lodging at domestic or foreign destinations will be reimbursed at the rates established by the U.S. government for federal travelers. The Federal per diem schedules indicate the maximum lodging rates that will be paid.” By exceeding the applicable maximum rates for lodging, the PAO improperly paid \$1,664 in excess expenses.

In addition, the PAO incorrectly paid hotel occupancy and sales taxes on one of the seven trips. The lodging expense was within New York State and resulted in an overpayment of \$106. According to Comptroller’s Directive #6, §2.7 – *Exclusion of Sales Taxes*, “The City of New York is exempt from paying the New York State Sales Tax,” and the directive, at §5.6.3 – *Lodging Rates*, states that “Employees lodging within New York State are exempt from hotel occupancy taxes.” To qualify for the exemptions, the PAO’s staff must present a Tax Exemption Certificate for Tax on Occupancy of Hotel Rooms or an exemption request on agency letterhead indicating that the named employee is conducting official business and is exempt from these taxes.

We also reviewed certain travel and lodging expenses incurred by the Public Advocate individually to determine whether Comptroller’s Directive #6 was used as a guide as recommended by that directive. Specifically, at sections 15-15.1, the directive states that four elected officials with citywide responsibility, including the Public Advocate, are accountable for the prudent use of public funds but are *not* “personally” restricted by the regulations of the directive. Rather, the directive states that it should be used to guide those officials, with the proviso that the responsibilities of their offices warrant wide latitude and flexibility. Accordingly, we reviewed the sampled expenses that the Public Advocate incurred individually to determine whether the records contained or reflected evidence that the directive had been used as a guide.

In the following instances of small expenses incurred by the Public Advocate individually, between February 2017 and February 2018, we found no evidence that the guidance provided by Comptroller’s Directive #6 was followed or considered:

- In three out of four trips we reviewed, the PAO’s payments for the Public Advocate’s hotel lodging exceeded the maximum allowable GSA rates by a total of \$402.
- In one instance, the Public Advocate incurred an overnight lodging expense within the boundaries of New York City on October 28, 2017 that included \$39 paid for occupancy tax and sales tax. Although we found no documentation explaining the need for this hotel stay, the PAO’s General Counsel stated that “the Public Advocate made a determination due to exigent circumstances (number of work hours, late hours, and security considerations) the determination was that the reservation at the Marriott was required in the best interest of the city.”
- The Public Advocate purchased airplane tickets with extra legroom and with preferred seating on two of the four out-of-town trips in our sample. According to Comptroller’s Directive #6, §5.5.5 – *Airline*, “The incremental cost of business class, first class and economy plus, or similar upgrades is not reimbursable.” The extra cost of these upgrades was an additional \$94.

## Incorrect Object Codes Charged

The PAO used 404 payment vouchers to pay vendors a total of \$285,268 from July 1, 2016 through March 30, 2018. The 404 payment vouchers contained 542 line items representing 542 individual purchases of goods or services.



# PRELIMINARY DRAFT

We found that the PAO charged incorrect object codes for 38 out of 542 line items in the Financial Management System (FMS)—the City's centralized accounting and budgeting system—totaling \$26,774. For example, five purchases for food were charged to object code 1000 as "Supplies and Material - General," rather than object code 1100 as "Food & Forage Supplies." In another example, 13 purchases for newspaper subscriptions were charged to object code 4030 as "Office Services," instead of object code 3370 as "Books-Other."

Comptroller's Directive #24, *Agency Purchasing Procedures and Controls*, §6.0, states, "Payment Voucher approvers must ensure that the appropriate accounting and budget codes are being charged. This includes charging the correct unit of appropriation and correct object code within that unit of appropriation."

Purchases charged to incorrect object codes prevent the PAO from accurately categorizing the types and amounts of the expenses it incurred during the fiscal year and can thereby compromise management's ability to plan future budgets.

## Incorrect Use of Reimbursement Voucher

The PAO incorrectly used two of the nine Reimbursement Vouchers issued during the period of July 1, 2016 through March 30, 2018. The two vouchers, totaling \$2,709, were used to reimburse the PAO's staff for business travel and professional license registration fees. Both payments were paid directly to the employees. However, Comptroller's Directive #24, §6.2, states, in part, "Agencies use the Reimbursement Voucher to reimburse (replenish) an Imprest Fund account." It does not allow for direct reimbursement to employees. Instead, Comptroller's Directive #24, as updated by Comptroller's Memorandum 15-1, provides a mechanism for reimbursements to employees for eligible out-of-pocket expenses, the Payment Request – Miscellaneous Document, also known as PRM1. Further, Comptroller's Directive #24, §6.0, provides that payment voucher approvers must ensure, among other things, that the correct voucher type is being used. The use of incorrect voucher types can compromise management's ability to plan future budgets.

## Reimbursement without Supporting Documentation

We randomly selected 11 disbursements totaling \$675 from the 57 disbursements totaling \$4,224 shown on the Imprest Fund bank account statements covering July 1, 2016 through March 30, 2018, to test for accuracy and adequate record keeping. We found that reimbursements for 3 of the 11 sampled transactions, totaling \$165, were made without submission of the original receipt. Additionally, we found that two of the three transactions, totaling \$120, were not recorded in the City's FMS or in the Imprest Fund disbursement journal.

Comptroller's Directive #3, *Administration of Imprest Funds*, §4.1, states that an Imprest Fund disbursement Journal must be maintained and that it should include information such as, "Dollar Amount, Check Number and Check Date." Further, Comptroller's Directive #3, §4.2, states "The maintenance of complete and accurate supporting documentation is important in an Imprest Fund environment. Agencies must ensure that adequate files exist in full support of each Imprest Fund transaction." As noted in Comptroller's Directive #1, effective internal control over the financial activities at an agency is the foundation for ensuring the reliability of the City's accounting systems and financial reporting. Proper documentation of Imprest Fund disbursements is a fundamental control mechanism.

# PRELIMINARY DRAFT

## Noncompliance with Checkbook Maintenance Standards under Comptroller's Directive #3

We found some areas where the PAO is not in compliance with Comptroller's Directive #3, *Administration of Imprest Funds, Part 4, Operating Procedures and Internal Controls* concerning maintenance of its Imprest Fund bank account and checkbook.

The PAO has not had the faces of its checks imprinted with a statement specifying the length of time each check remains valid for payment. According to Comptroller's Directive #3, "checks should state on their face that they are void after a specified period." In addition the PAO did not follow up as required on one check that remained outstanding more than 180 days. Comptroller's Directive #3 states, "When checks, regardless of dollar amount, remain outstanding more than sixty days, agencies must commence a follow-up."

Comptroller's Directive #3 states that all invoices, receipts, or supporting documentation must be hand stamped or annotated to show the dollar amount paid, check number and date, to prevent making duplicate payments. We found that the invoices and supporting documentation for the 11 sampled Imprest Fund transactions were not hand stamped or annotated to show the dollar amount paid, check number and date.

In addition, certain information required by the directive was not included on the monthly bank reconciliations. Specifically, the PAO did not note the voided checks or disclose the first and last check numbers issued during the month, and the outstanding checks were not aged showing the date issued on its monthly bank reconciliation, all of which should be included according to Comptroller's Directive #3. As noted previously, Comptroller's Directive #1 states that effective internal control over the financial activities at an agency is the foundation for ensuring the reliability of the City's accounting systems and financial reporting. Properly completed bank reconciliations assist in the detection of record-keeping errors and fraud and thus are a fundamental component of an effective internal control system.

## Recommendations

The PAO should:

1. Ensure that properly- and timely-completed Requests for Approval for staff's out-of-town travel are obtained prior to travel commencing and that the approvals are documented in the appropriate travel expense records before approving payment of staff's expenses related to travel and conference-attendance.
2. Obtain proper approval from PAO management before approving or paying a lodging charge for an employee at a rate that exceeds the applicable United States General Services Administration (GSA) rate.
3. Ensure that the Tax Exemption Certificates are prepared and provided for the PAO's staff lodging within New York State.
4. Ensure that Comptroller's Directive #6 is used as a guide in determining the appropriateness of travel expenses to be incurred individually by the Public Advocate and paid with public funds.

## PRELIMINARY DRAFT

5. Ensure that OTPS purchases are charged to the correct object code in accordance with Comptroller's Directive #24, *Agency Purchasing Procedures and Controls*.
6. Use the Reimbursement Voucher only to reimburse (replenish) an Imprest Fund account.
7. Ensure that all Imprest Fund purchases are made and recorded in accordance with Comptroller's Directive #3 with adequate supporting documentation.
8. Ensure that the next order of check stock states on the face of the checks that they are void after a specified period of time. This time period should not extend more than 180 days from the date of issue, according to Comptroller's Directive #3.
9. Follow up on the checks that remain outstanding more than 60 days.
10. Ensure that all invoices and supporting documentation in the Imprest Fund account are appropriately marked as paid in accordance with Comptroller's Directive #3, §4.5 to prevent duplicate payments.
11. Perform and record monthly bank reconciliations and ensure that the reconciliations disclose the voided checks, include the first and last check numbers issued during the month, and age outstanding checks showing the date issued in accordance with Comptroller's Directive #3, §4.1.

# PRELIMINARY DRAFT

## DETAILED SCOPE AND METHODOLOGY

We conducted this performance audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives. This audit was conducted in accordance with the audit responsibilities of the City Comptroller as set forth in Chapter 5, §93, of the New York City Charter.

The scope of this audit covers the period from July 1, 2016 to March 30, 2018, regarding the PAO's OTPS purchasing practices.

To achieve our audit objective, we reviewed the following documents to obtain an understanding of the procedures and regulations with which the PAO is required to comply:

- PPB rule §1-04, "Contract Information"; §3-08, "Small Purchases"; and §4-06, "Prompt Payment";
- Comptroller's Directive #1, *Principles of Internal Controls*; Directive #3, *Procedures for the Administration of Imprest Funds*; Directive #6, *Travel, Meals, Lodging and Miscellaneous Agency Expenses*; and Directive #24, *Purchasing Function – Internal Controls*; and
- Comptroller's "Fiscal Year-End Closing Instruction" for June 30, 2017.

To obtain an understanding of the PAO's purchasing procedures, we conducted a walk-through of the purchasing process and interviewed PAO officials. We requested the PAO's written policies and procedures and flowcharts pertaining to purchasing areas. However, the PAO officials informed us that they do not have written policies and they comply with the Comptroller's Directives.

To determine the number of payment transactions that the PAO processed in our scope period, we requested that the PAO provide us with a listing of all Purchase Documents. PAO officials provided us with the Budget Inquiry Reports for July 1, 2016 through March 30, 2018. We identified the Disbursement Document Identification Number and the total dollar amount of the disbursement transactions for the period. The Budget Inquiry Report includes the actual disbursement per transaction but it does not include the details associated with each disbursement such as the corresponding Purchase Order Document and Payment Request Document.

To assess the reliability of the information contained in the Budget Inquiry Report, we generated and obtained the *Expense Accounting Detail Listing – Payment Requests* report from the City's FMS. We compared the Disbursement Document ID and the dollar amount on the Budget Inquiry Reports to the FMS Detail Listing for verification of the amount disbursed and obtained the corresponding Purchase Order Document and Payment Request Document.

The OTPS funds for the scope period, totaling \$285,268, were expended using 404 payment vouchers for the purchase of goods and services. We segregated the 404 payment vouchers into four categories: (1) 47 payment vouchers of less than \$100; (2) 333 payment vouchers of

## PRELIMINARY DRAFT

\$100 and greater; (3) 9 payment vouchers payable to the PAO to replenish the Imprest Fund account; and (4) 15 miscellaneous vouchers. Based on materiality, we excluded from testing the 47 payment vouchers, totaling \$2,690, for purchases of less than \$100.

We selected 50 of the 333 payment vouchers over \$100. Thirty of the payment vouchers, totaling \$23,794, were randomly selected. The remaining 20 vouchers, totaling \$29,317, were judgmentally selected: 17 payment vouchers related to two City vendors cited for split purchasing in a previous audit entitled *Audit Report on the Purchasing and Inventory Practices of the Office of the Public Advocate*, MJ07-103A issued June 29, 2007; and 3 payment vouchers were for a vendor that had a single payment that exceeded \$5,000. Finally, we selected all 9 payment vouchers payable to the PAO and 15 miscellaneous vouchers for testing.

We requested the supporting documentation (i.e., purchase requisitions, purchase order, order specifications, receiving documents, and invoices) for the 50 sampled payment vouchers and 15 miscellaneous vouchers. The vouchers and supporting documentation for each of the sampled transactions were examined to ensure that: (1) required purchasing documents were appropriately prepared and approved; (2) goods or services were certified as received; (3) payments were appropriately authorized, made promptly in the correct amount to the correct vendor; (4) the expenditures were for legitimate and necessary business purposes; (5) payments were made to the vendor within 30 days after the invoice was received in accordance with §4-06(c)(2) of the PPB rules; and (6) all the Imprest Fund supporting documentation (invoices and receipts) showed the amount paid, check number and date in order to prevent duplicate payments.

Specifically, to determine whether expenses for travel and hotel arrangements were reasonable, properly authorized and approved, and included the justification for travel, we reviewed the relevant supporting documentation, such as travel card bank statements, airline and hotel booking confirmation, and receipts for expenses, for all seven travel card payment vouchers totaling \$11,923.

To determine whether the PAO used the correct FMS Purchasing Documents for OTPS purchases, we reviewed the dollar amounts and corresponding purchase documents on FMS Detail Listing Reports to see if the PAO complied with applicable Comptroller's Directives and PPB rules.

To determine whether all purchases were charged to the correct object codes, we reviewed the purchases made by the PAO in FMS to obtain the description of the item or service purchased and the object code used and compared it to the list of all object codes and their descriptions available in FMS.

To test the Imprest Fund account and related transactions, we reviewed the nine payment vouchers that were used to reimburse the Imprest Fund for 57 Imprest Fund transactions totaling \$4,224. We randomly selected 11 transactions totaling \$675. In order to determine whether account transactions were handled appropriately, relevant supporting documentation was examined to determine whether the expenditures were authorized, permissible, and within allowed amounts. We also reviewed the bank statements, daily disbursement journal, and monthly bank reconciliation statements to ensure that the bank reconciliations were performed, and had all the required information, all checks were accounted for, and were made payable to specified payees (not to "bearer" or "cash"), and all the transactions were recorded as set forth in Comptroller's Directive #3.

## PRELIMINARY DRAFT

Although the results of the above tests cannot be projected to the entire population of purchases, they provided us a reasonable basis to assess the PAO's compliance with the above-mentioned City purchasing guidelines.



Jumaane D. Williams [REDACTED]

## Resending - Decriminalization of Prostitution on the Backs of our Black and Brown....

1 message

Que English <revque@nomwi.org>

Wed, Apr 17, 2019 at 2:40 PM

To: [REDACTED]  
Cc: hsmith@pubadvocate.nyc.gov, vaveis@pubadvocate.nyc.gov

Jumaane

No go to FULL decriminalization. Yes, for the prostituted but NO for the pimps and buyers.

Please read report and we need to meet and talk face to face. I will bring Rev. Dr. A. R. Bernard, Jennifer Austin-Jones and others as needed. You're not understanding the big picture.

Please read...

Rev. Que

----- Forwarded message -----

From: Que English <revque@nomwi.org>

Date: Wed, Apr 10, 2019 at 9:07 AM

Subject: From Rev. Que - Decriminalization of Prostitution in NY

To: [REDACTED]

Dear Jumaane:

I took my time in compiling this document so you can see the full ramifications of what decrim would do to New York and particularly our Black and Brown communities.

You will see where in every country including parts of Nevada it has failed (pages 13-17)

You will see the implication on Black and Brown communities with decrim rooted in racism and sexism.

And more..

Take time to read it. Educate yourself. And stand with us in NOT decriminalizing the sex trade but only those that are prostituted or are in prostitution. Important.

lets meet after...

Remember those who have presented their case for decrim - the majority were not us. It was them.

Rev Que



NYAALP - Decrim Prostitution Backs of Black and Brown.pdf

332K

**PROPOSED DECRIMINILIZATION OF PROSTITUTION IN  
NEW YORK STATE  
ON THE BACKS OF**



**OUR BLACK & BROWN**

**&**

**OUR MOST VULNERABLE COMMUNITIES**



# TABLE OF CONTENTS

Letter from NYAALP .....	3
What is Decriminalization of Prostitution .....	5
What is the Difference Between Decriminalization and Legalization of Prostitution.....	6
What Would New York Look Like if Prostitution Is Decriminalized? .....	7
“This is My Right and It’s for My Protection!” Is It? .....	8
There is Nothing “Safe” About Prostitution .....	9
Prostitution is an Unsustainable Trade.....	11
You cannot Separate Prostitution from Sex Trafficking .....	11
It Has Failed in Every Country, Even In Nevada .....	13
Decriminalization is a Racist Issue, on the Backs of our Black and Brown Communities.....	18
Conclusion.....	22
Statements .....	23
About the New York Alliance Against the Decriminalization and Legalization of Prostitution ....	24

Dear New York State Legislators:

This document has been prepared to provide clarity and understanding as it relates to the subtle yet harmful ramifications of potentially decriminalizing prostitution (the sex trade) in New York. By decriminalizing the entire sex trade, New York would be declaring that prostitution is just like any other form of labor, and that women and girls of color, the LGBTQ communities, youth in foster care, and people living in the margins of society are available for sale. Black women and girls represent about 7% of the U.S. population, yet by some measures are more than half of those in the sex trade. Some argue that the demand for African Americans for sexual exploitation is higher than that of other races and the penalties associated with trafficking African Americans are less severe.

The New York Alliance Against the Decriminalization and Legalization of Prostitution is in staunch opposition to the proposals set forth by several of your colleagues—Assemblyman Gottfried; Senators Jessica Ramos, Brad Hoylman and Julia Salazar—to sponsor a bill aimed at fully decriminalizing prostitution and pimping, which in effect would legalize the sex trade wholesale, including brothel-owning, illicit massage parlors, escort services, and the buying of sexual services in New York.

As sex trade survivors, advocates, lawyers and social workers, we know the truths about the commercial sex industry. Every day, we see the brutality suffered by people in prostitution at the hands of sex buyers, pimps, and others who profit off their pain. We have heard countless stories of friends, family members, and our agencies' clients who were exploited, raped and beaten on a daily basis. prostitution is not inevitable; it is a cause and consequence of systems of abuse of power and abuse of the vulnerabilities of marginalized populations, which the state must address through strong laws, policies and investment to address such human rights abuses.

The term “sex work” and prostitution are the same. We advocate that prostitution is neither sex, nor work, but a harmful practice based on sexual violence and sex, gender, race, socio-economic and other inequalities. As long as men can purchase for sex, the victims can be categorized in society as commodities, unworthy of equality as full human beings.

Next, you cannot decriminalize the sex trade and not see an increase in sex trafficking. Impossible. So, the attempt to separate the two are futile. The history realized in countries that have decriminalized the sex trade is proof. This document will further explain why.

In conclusion, people in prostitution need resources to gain access to comprehensive crisis and stability services, including medical, mental health, housing, substance abuse, educational, and other services to address their needs, as well as offer exist strategies, including high-quality career training services.

We urge the members of the New York State Legislature to support progressive legislation that will protect and support sex trade victims and survivors—and help disenfranchised people find other options for economic independence—rather than a law that would conceal the severe harms and normalize the violence endemic to the sex trade.

Finally, as a member of the New York State Legislature, it is your responsibility to draft laws that give high priority to the safety and welfare of the children of this State. The legislation that is being proposed not only fails to protect children, it creates a new market for their exploitation and abuse. Any effort to relieve pimps and buyers of sex of criminal responsibility for their actions is misplaced.

For the sake of humanity, it is our hopes and prayers that this document will enlighten you to say “no” to the decriminalization or legalization of prostitution in New York.

NEW YORK ALLIANCE AGAINST THE LEGALIZATION OF PROSTITUTION

## What is Decriminalization of Prostitution?

Decriminalization of prostitution, which is the legal framework in New Zealand, is when the central government eliminates all penalties related to the sex trade. It purposes to remove all regulation of sex establishments or data collecting of people in prostitution, for instance, but relegates the legalization (regulation) to local councils. There is no known decriminalization structure without some form of legalization or regulation at the local level.

The decriminalization model where no regulation exists is a myth. If brothels become legal/decriminalized, they would still have to register with a NY county like any other restaurant, clothing store, or pawn shop. The way the NYS business tax structures work, no entity (whether for profit or non-profit) can conduct business without local or state registrations or certifications. If NYS “decriminalized” the sex trade, under state laws, brothels would still have to “register” and pay taxes as “businesses,” so laws and regulations would apply to them (e.g., legalization of the sex trade). Pizza shops must register as businesses, so would sex establishments. That is in and of itself regulation (e.g., legalization). The state would benefit from those revenues of CSE and would be in effect a “pimp state.”

Prostitution is an inherently violent and discriminatory system based on the economics of supply, demand and the incentive for profits. The demand represents sex buyers who fuel the sex trade for the profit of third-party exploiters: pimps and traffickers.

If New York State decriminalizes the system of prostitution, it would mean decriminalizing all components of the sex trade, including removing the penalties related to soliciting, patronizing, and pimping of prostitution. It would in effect render any owner or manager of a sex establishment (brothels, illicit massage parlors, escort services, etc.) *bona fide* business owners or managers.

Full decriminalization or legalization of the sex trade renders pimps and traffickers *bona fide* entrepreneurs and business owners. Decriminalization of sex buyers sends the message that men are encouraged to purchase human beings in New

York on an open sex market for the profit of exploiters. Knowing that the vast majority of sex buyers are men and an overwhelming percentage of prostituted people are women and girls of color, should New York sanction paid sexual access with impunity, its efforts to reach racial and gender equality would be severely undermined.

Decriminalization is a worst form of legalization and the results are the same: pimps, brothel owners and sex buyers have the state's blessing to exploit and harm women and children in prostitution.

### **What is the Difference Between Decriminalization and Legalization of Prostitution?**

Legalization of prostitution means that the state renders the sex trade legal through specific regulations, such as limiting the number of prostituted women in brothels or requiring the registration of prostituted individuals with local authorities. For example, in certain counties in Nevada where brothels are licensed, prostituted women must register with the local sheriff.

Decriminalization of prostitution, which is the legal framework in New Zealand, is when the central government eliminates all penalties related to the sex trade. It purports to remove all regulation of sex establishments or data collecting of people in prostitution, for instance, but relegates the legalization (regulation) to local councils. There is no known decriminalization structure without some form of legalization at the local level.

Should New York State legalize prostitution, the sex trade would become an employer like any other. prostitution is not "a job like any other," nor is it "sex." The commercial sex industry is a system built on physical violence and sexual violence; rape, sex and gender inequalities; and sexual exploitation for third-party profit. It is part of a multi-billion-dollar global sex trade based on abuse of power and exploitation of the vulnerabilities of human beings who overwhelmingly had histories of childhood sexual violence, foster care, homelessness, displacement, are members of disenfranchised communities, or faced other severe barriers to the life choices so many of us enjoy.

## What Would New York Look Like If Prostitution is Decriminalized?

- New York will become the new “pimp” state
- There will be legal brothels in predominantly Black and Brown communities—not on Fifth Avenue nor Park Avenue and surely not in the neighborhood of the proposed writer of the bill, Assemblyman Gottfried, or any other neighborhoods of the wealthy and affluent
- Legal “red light districts” in New York, reminding us of the once degrading corners of 42<sup>nd</sup> Street.
- The frequenters will be those from the other neighborhood
- Taxes on legal brothels will be paid to the state
- New York State will be the “new” Pimp State
- Increase in violence
- Increase in sex trafficking, for even younger population
- Brothels owned by “pimps” now that they’ve been decriminalized
- Sex trade worker population will be increased lending more opportunities for our Black and Brown communities to choose this unsustainable trade
- Lost opportunities for viable job opportunities
- Increase in sexually transmitted diseases (STDs) and subsequent healthcare
- Devaluation of community homes
- Increase in mental health issues
- New market created for the exploitation and abuse of children
- False perception of prostitution being a victimless crime, preying on the most naïve and vulnerable population

## **“This is my right and it’s for my protection!” Is It?**

The state has an obligation to set laws and public policies that protect people in situations of violence and exploitation, even if a small minority of that population disagree. The state must see the bigger picture and the ramifications of upholding such a law. The state has an obligation to hold accountable individuals who harm others and recognize that consent to one’s own exploitation or abuse is irrelevant under principles of human rights.

By virtue of one’s birth, every human being is entitled to enjoy his or her human rights. Decriminalization and legalization of the sex trade does not advance the inherent and inalienable rights of people who are prostituted. Holding perpetrators accountable, including sex buyers, and offering justice and services to those who are exploited is the most effective way to mitigate the extremely harmful, and often deadly, sex trade.

Governments have a responsibility to protect people who are exploited and to hold perpetrators accountable. In addition, the goals of just policies and laws are to ensure a society where everyone enjoys a life free of violence and discrimination. These laws and policies cannot be guided by an infinitesimal minority. For instance, our states cannot legitimize intimate partner abuse because many battered women cannot leave their abusers for whatever reason. Similarly, the overwhelming majority of prostituted individuals, who are mostly women and transgender, are survivors of childhood abuse, including sexual violence or incest, child sex trafficking, homelessness, dysfunctional families, or foster care. Our governments must examine the sex trade as a cause and consequence of gender inequality, hold sex buyers and other exploiters accountable and decriminalize prostituted individuals.

Finally, there is no evidence that support the belief that if you only criminalize the buyers of sex, life will be more dangerous for those who are in prostitution. Some say that partial decriminalization, e.g., only decriminalizing the prostituted, will

(1) push prostitution “underground,” (2) prevent prior screening of “clients” and (3) jeopardize any recourse should violence occur. These are myths. prostitution, by definition, is an “underground” act. Usually, the act of prostitution occurs between two people alone in a car, on the streets, in a hotel room or any other location. The buyer has the power and the money to control the bought. Both survivors and people in prostitution attest to the inability of negotiating sexual acts, condom use, or to stop the violence, sexual violence, battery, sexual harassment, dehumanization at the hands of the sex buyer.

### **“This is My Independent Choice!”**

The proposed legislation is grounded on the false premise that people engaged in prostitution have made an independent choice, as adults, to engage in this activity and personally retain all of their profits. Nothing could be further from the truth. Many, if not most, people who enter prostitution do so before their 18<sup>th</sup> birthday. There is overwhelming proof that children are sold for sex on websites alongside adults. Buyers can purchase children for sex as easily as they can purchase adults. Moreover, the language used in website advertisements (e.g., “fresh,” “young,” “schoolgirl”) reveals a strong market for buyers seeking to engage in sex with children. Legalizing pimping and buying will not help these children. Indeed, a more robust sex industry will only increase the demand for more and younger people.

### **There is Nothing “Safe” About Prostitution.**

- Prostitution is a violent trade. The statistics speak for themselves:
  - People in prostitution suffer extremely high levels of violence and death relative to other forms of employment.
  - Studies show that mortality rates for prostituted women are 40 to 50 times the national average; 62% of prostituted women report being raped; and 73% report having experienced physical assault in prostitution.
- Prostitution is rarely a “choice” made by people who have other choices, as some advocates contend.



- The vast majority of prostituted individuals want to exit if given alternatives; one
- Research shows that repeat sexual abuse by sex buyers and exploiters results in devastating health consequences for people in prostitution: psychological trauma along with acute and chronic medical issues including malnourishment, broken bones, dental trauma, burns, stab wounds, head injuries, genital injury, internal injuries, rectal prolapse, hip, neck, and jaw pain, undetected chronic or fatal diseases, sexual dysfunction and transmitted infections, abdominal pain, infertility and miscarriage, to name just to name a few.
- Studies also show that the incidence of rape and sexual violence is rampant in prostitution; and that the majority of prostituted people surveyed would exit if given the opportunity to do so.
- Evidence shows that no government can control either the sex trade, including prostitution, or that violence that is inherent to it. In addition, the facilitation of trafficking and commercial sexual exploitation online has created myriad challenges for governments and society at large to combat exploitation in the sex trade.
- Prostitution is more dangerous than logging, fishing in Alaska or working on an oil rig. The death rate for “prostitutes” is 204 for every 100,000, whereas the death rate for fishermen is almost half at 129 for every 100,000. Moreover, “prostitutes” get attacked physically on average of once per month. With no legal recourse without finding themselves arrested, “prostitutes” are easy prey.

**Prostitution is an unsustainable trade. It is an unsustainable business in an unstable nation. What's next?**

Tell me what are you going to offer these women and men in the sex trade after they are no longer wanted by sex buyers? What do you do when they have become so ridden with diseases from unprotected sex? Why would you support engagement in a trade that is not sustainable? What's next for those who have outgrown? Go to college?

This is not going to work. Not now. Not never.

It was reported that the vast majority of prostituted individuals want to exist if given alternatives. One direct service provider in Massachusetts tallied that 100% of the prostituted women they serve want to leave the sex trade. To call prostitution "a job like any other" ignores overwhelming evidence to the contrary.

**You cannot separate prostitution from sex trafficking. It is impossible.**

While not every prostituted person has been trafficked, sex traffickers and pimps sell humans for profit within the sex trade. Without a booming sex trade, there would be no sex trafficking. Inevitably, where ever the commercial sex industry is legal, violence, abuse, and sex trafficking are on the rise. Legalization or decriminalization does nothing to mitigate this violence, but rather only serves to amplify it with the state's approval. The legal sex trade acts as cover for its illegal components, opening the door to sharp increases in sex trafficking and child trafficking among other forms of abuse virtually all advocates agree should be outlawed. Human trafficking is the vehicle through which individuals are exploited and sex buyers' demand for prostitution is its backbone.

A fully decriminalized system increases child sex trafficking. Sex buyers want them young and don't care whether she's 19 or 15. The majority of women and children in the sex trade in New Zealand are Maori, Pacific Islanders, and other Native people. Same for Canada (Native/Indigenous), and same for U.S. (Black/Brown). As we look at the statistics for sex trafficking, 62% of human trafficking victims are African American.

According to ECPAT-USA Child Alert report, while there is evidence of underage prostitution in New Zealand, there does not appear to be monitoring mechanism in place that helps young people who want to exit the industry. The question becomes why would government offer services or "exits" if prostitution is a job like any other?

**Herein lies the problem, you cannot separate sex trafficking from prostitution. Here's why.**

In definition there is a distinction between sex trafficking and prostitution. Truth of the matter is, you are prostituted if you are trafficked, but you aren't necessarily trafficked if you are a prostitute. However, data shows that the majority of those prostituted were once trafficked. If the majority of those prostituted were once trafficked it tells us that they did not choose that lifestyle. For the very definition of trafficking encompasses force, fraud or coercion. If this is the case, those who were trafficked and most likely at a young age, may understandably see no way out or no other options for their lives since this is all they knew. Thus, their push for the decriminalization of prostitution. They're not the only ones pushing—pimps and buyers are too. When asked if they would exit the sex trade if given an opportunity of financial stability and gain 100% said "yes". What does that tell you? It's not legalization or decriminalization they need, it's opportunity.

In addition, if those who are trafficked are prostituted even as young adults then the decriminalization would not deter the trafficking it will increase as it has in every other country. You cannot regulate an industry built on violence and trafficking. While there are those that are separated from trafficking and are in this lifestyle without a pimp, you cannot separate the trade from trafficking. In every country it has increased with pimps becoming legal brothel owners. If they are legal brothel owners, then they are traffickers behind the scene. And, if it's

legal and regulated who will take the time to knock down the doors of the brothels when it's legal. And how will the fine line be regulated between those that are trafficked in the brothels and those that are "prostitutes" in the brothels. It cannot be done.

Since the controversial 2003 prostitution Reform Act (PRA) passed by only 1 vote, the New Zealand government found that street prostitution doubled in Auckland between 2006 and 2007 and has also seen an increase in child sex trafficking—particularly of Indigenous populations (Maori, Polynesian and Pacific Islanders) and is a source country for children subjected to sex trafficking within the country. Survivors in New Zealand are beginning to speak up against decriminalization.

**It has failed in every country and is failing right here in the U.S.,  
in Nevada. Don't Ignore the Evidence!**

It is very important that New York learn from failed contemporary experiments that address the problem of prostitution through decriminalization or legalization models. Every single argument made for decriminalizing or legalizing prostitution in New York is refuted by current studies on the devastating impact of such legal frameworks. Rejecting the criminalization, legalization or full decriminalization of prostitution, a number of governments recognizing the harms of prostitution, including across **Europe, Canada, and Israel**, have enacted laws that solely decriminalize prostituted individuals and offering comprehensive services, and target the demand for prostitution.

Local and national governments that have legalized prostitution, such as certain counties in **Nevada, Germany, the Netherlands and certain states in Australia**, have seen an exponential increase in trafficking where up to 90% of women in brothels are foreign, undocumented women from the poorest countries of Eastern Europe and from the global south.

**The governments of France and Sweden issued a joint statement announcing they are investing in ending the demand of prostitution.** France and Sweden have taken a clear position against normalizing prostitution as work. Our view is that prostitution should always be perceived as an exploitation of someone's vulnerability—thus prostitution should never be considered a job. They further stated in their joint statement, to consider prostitution as legal “sex work”, decriminalizing the sex industry in general and making procuring legal is not a solution to keeping women and children in vulnerable situations safe from violence and exploitation, but has the opposite effect and expose them to higher level of violence, while at the same time encouraging prostitution markets—and thus the number of women and children suffering abuse—to grow.

France and Sweden together with several other countries have introduced legislation where the purchase of sexual services constitutes the criminal act, not the services of a person in prostitution. This is what New York needs to do. The person of prostitution is instead offered assistance to exist prostitution. This type of legislation, that focus on the sex buyer, has proven effective both to diminish demand and to diminish prostitution. The demand has decreased substantially, there are few people in prostitution and Sweden is considered a market of low interest for trafficking for sexual exploitation. In 2016 a regulation similar to the Swedish legislation was enacted in France, introducing the criminalization of the purchase of sex, the full decriminalization of persons in prostitution, and the creation of a nationwide public exist, protecting and assistance policy for victims of prostitution, pimping, procuring and trafficking.

The French government firmly believes that this legislation will prove as effective in France as in Sweden. The French legislation has recently been challenged but on the first of February this year the French Supreme Court validated the constitutionality of the law. AT the same time a survey that was undertaken in France by Ipsos showed that 78% of French people support the 2016 Act and that 74% of French people think that purchase of sex is a form of violence. All countries in the world have agreed to do everything they can to achieve the goals in the 2030 Agenda for Sustainable Development.

They ended the letter by saying “both our countries are convinced that criminalizing the purchase of sex would be a very important step towards

achieving these goals.” (Margot Wallstrom, Minister of Foreign Affairs and Jean-Yves Le Drian, Minister of Europe and Foreign Affairs).

Growing evidence shows the catastrophic effects of decriminalization of the sex trade. **The German government, for example, which deregulated the industry of prostitution in 2002, has found that the sex industry was not made safer for women after the enactment of its law.** Instead, the explosive growth of legal brothels in Germany has triggered sharp increases in sex trafficking and organized criminal networks thrive. Older estimates indicate that roughly 400,000 women and members of the Trans community, mostly from the poorest Eastern European countries and the global south, are servicing 1.2 million men every day. A German trade union estimates that the industry generates around 14.5 billion euros annually (roughly \$16.5 billion). Legalization has produced flat rate brothels and mega brothel chains, offering men menus with sexual acts galore.

For example, for the grand opening week-end of a brothel near Stuttgart, “management” offered a deal (70 Euros for the day/100 at night) that attracted about 1,700 men bussing in from near and far. The sex buyers could then post on Internet chat rooms the quality of “services.” A number complained that the women were no longer as fit for use after a few hours. At closing time many of the women “collapsed from exhaustion, pain, injuries, and infections, including painful rashes and fungal infections that spread from their genitals down their legs.”

**In 2003, New Zealand decriminalized prostitution as well. A 2005 report revealed that the number of unregulated brothels had increased and that there were significantly higher reported incidents of violence—including murder—against prostituted women.** Rather than reducing the number of children exploited in the sex industry, both New Zealand Commissioner for Children, Dr. Cindy Kiro, and Inspector Gary Knowles in Christchurch, stated that there has been a noticeable rise in the number of sex trafficked children since the law passed. It is reported that girls as young as 12 are bought and sold on the streets, sought mostly by men wanting unprotected sex. Police in Wellington have also reported that the age of prostituted women has declined since the Act. Today, women and survivors are speaking out against the prostitution system and the way that harm is glossed over by defenders of this approach.

For example, Sabrinna Valisce, a survivor of the sex trade, has spoken powerfully about the evidence that goes largely uncited and undocumented in research: the power handed to pimps when they became “legitimate businessmen”; increases in numbers of women in brothels; demands by men for cheaper prices and more ‘extras’; the normalization of unwanted sexual practices like sex without condoms. Rae Story’s stirring account of her time in New Zealand brothels indicates who really exercise the power in prostitution. Her interviews with prostitution survivors express skepticism and anger about decriminalization. Sally (not her real name), a woman still in the sex industry is blunt about the realities. She says: “Sexual assault and sexual harassment are part of the role. They are not isolated incidents. Our role is to be harassed, assaulted, raped. As well as to be an entertainer, counsellor, maid, masseuse.”

The 2008 Prostitution Law Reform Act Committee (PLRAC) report states that the majority of women perceived that decriminalization ‘could do little about the violence that occurred’. A 2012 parliamentary paper subsumes violence under “working conditions” and cursorily acknowledges that violence and exploitation, including of children, has continued. The conclusion drawn in such report is that violence is inevitable and that the best the law can hope for is to enable survivors to seek support in its aftermath.

**In the Netherlands, where legalized prostitution generated a proliferation of organized crime in the sex industry, many Dutch cities have closed their legal prostitution zones because of rampant violence.** In 2006, 37 prostitution venues in Amsterdam were closed when the City Council determined that they were run by sex and drug traffickers. Europol investigations revealed that pimps and brothel owners were collaborating with traffickers to bring women into the country.

Up to 90% of women in both Dutch and German brothels are populated with these women. The National Dutch Police Service and Prosecutor’s Office found that criminal gangs, working as pimps and bodyguards, had been using extreme violence against women in the legal, licensed supposedly safe sector of the industry for years.

In 2008, the National Police Service was commissioned by the National Prosecutor’s Office to investigate the status of prostitution in the Netherlands.

The report, entitled *Beneath the Surface*, documented that criminal gangs, working as pimps and bodyguards, had been using extreme violence against women in the legal, licensed supposedly safe sector of the industry for years.

Former Amsterdam Mayor Job Cohen, stated “It appeared impossible to create a safe and controllable zone for women that wasn’t open to abuses by organized crime.” Despite all of this, city council efforts to repeal legalization have continued to fail because big business interests of the sex industry and the significant taxation and tourism profit trump concerns for those harmed by the industry.

Is this what we want for New York?

It will be just a matter of time. Is this what we want to see? Is this what we will accept? How do we feel about our children growing up believing buying and selling human beings for sex is OK because it’s “legal”? It becomes the norm. If the sex industry is legal, it grows. It increases the demand, which increases human trafficking, which attracts violence.

The sex trade is a dangerous industry and to ignore its dangers will destroy our children and our communities.

Some say decriminalizing prostitution will keep it safer, but not one of the governments mentioned above have found any measurable or actual improvement in the social protections, safety, working conditions, or the ability of prostituted women to exit. Quite the contrary; up to 90% of women in brothels are undocumented, foreign, and most likely trafficked. Criminal activity and suffering rise not diminish.



## **Decriminalization is a Racist Issue, On the Backs of Our Black and Brown Communities**

**Black women and girls represent about 7% of the U.S. population, yet by some measures are more than half of those in the sex trade.**

**Some argue that the demand for African Americans for sexual exploitation is higher than that of other races and the penalties associated with trafficking African Americans are less severe.**

*Included in this narrative are excerpts from Vednita Nelson's journal paper on Prostitution: Where Racism & Sexism Intersect.*

In "Prostitution: Where Racism & Sexism Intersect" written by Vednita Nelson and published by the Michigan Journal of Gender and Law, Nelson mentions that Black women find themselves in a unique and extremely difficult position in our society. They are forced to deal with the oppression that raises from being Black in a white-supremacist culture. When the not guilty verdict came down in a courtroom in LA in 1992 that acquitted four white police officers of the savage beating of an African-American man we saw in clear view who counts, and who does not; whose humanity matters and who does not. Our black men have been labeled as an endangered species and our Black women as nothing more than objects for men. In Detroit, eleven Black women were quietly murdered, strangled and mutilated and the bodies were dumped in abandoned buildings under piles of trash in a period of nine months. All were poor and Black and used in prostitution. There was no outrage.

In New York, what would be different? There is no outrage now over the killings of our Black men or rape of our Black women and girls. What is going to change? Instead we will realize through any decriminalization efforts an increase in what is now taking place nationally. And, sadly, with no outrage.

**Racism makes Black women and girls especially vulnerable to sexual exploitation and keeps them trapped in the sex industry.** It does this by limiting educational and career opportunities for African Americans in this country. It

does this through a welfare system that has divided the poor Black family. The question becomes, why would we allow for the decriminalization of prostitution if we know it will fall on the backs of our Black and Brown communities? Why would we offer our Black and Brown an option that is degrading and non-productive? Why would we offer them once again to be objects in another form of slavery? Did we not have enough when our women were the sex objects of their “Massas” who did what they wanted with them? Will we stand idly by and allow them to be degraded once again? We cannot as a state or nation just sit quietly and allow our Black and Brown to be able to “choose” prostitution as an occupation. We should be pushing them toward STEM and robotics and for those who choose not to go this route, let’s provide opportunities to work through cooperatives, or other type of work that can be sustainable. After decriminalization, what type of employment do you plan to offer them when this non-sustainable lifestyle expires whether through extensive drug usage, STDs, violence, and/or when they are no longer appealing to the sex buyers?

Racist stereotypes in the mainstream media and in pornography portray Black women as wild animals who are ready for any kind of sex, any time, with anybody. Additionally, strip joints and massage parlors are typically zoned in Black neighborhoods, which gives message to white men that it is alright to solicit Black women and girls for sex—that we are *all* “prostitutes”, and this is what we want. On almost any night, you can see them slowly cruising around our neighborhoods, rolling down their windows, calling out to women and girls. And we got the message growing up, just like our daughters are getting today, that this is how it is, this is who we are, this is what we are good for.

**Many people say that prostitution is tolerated in the Black community.** For example, in their study, Carmen and Moody “Intimate Tolerance of prostitution by the Black Community” stated: prostitution was no alien thing to black women, who have been sexually exploited since slavery. In every Southern city in the 1920s and ‘30s the red-light district was on the other side of the tracks in the black ghetto, and young white boys “discovered their manhood” with the help of the “two-dollar whore.” “Prostitutes” were integrating blacks and whites long before there was a civil rights movement. **They were wrong.**

**We do not tolerate prostitution; it has been imposed on us.**

It has been imposed upon us since the days of slavery, when the master came out to the field and chose whichever Black women he wanted to have sex with. Light-skinned slaves, known as “fancy girls,” were sold at high prices in the marketplace and later “rented out” or sold to brothels.

Today, middle-class white men from the suburbs drive through the ghettos of America to pick out whichever Black women or girls they want to rape, as if our cities were their own private plantations.

**Should decriminalization be enforced, New York will be replicating private plantations on the backs of our Black and Brown communities.**

Once a Black woman gets into prostitution, it becomes harder for her to get out than for a white woman. The lack of culturally sensitivity services designed by members of the Black community, for women in the Black community, keeps women trapped in prostitution. Black women who are seeking to escape abusive and exploitative situations are forced to go to white agencies for help. This creates a double blind. First, there is a strong taboo in the Black community about talking to outsiders, particularly whites, about problems within the Black community. Second, even if women overcome that obstacle, white-dominated agencies are ill-equipped to understand and deal with the problems of poor Black women. The problem can be as simple as a language barrier, but a deeper problem is the failure to understand Black emotional pain, the pain that African Americans experience due to their inability to acknowledge, take pride in, and be at peace with their own individual African American identifies. The root cause of Black emotional pain is white racism. Other causes are the subtle and overt ways that Blacks have internalized the values of the white culture.

An African American underclass has developed in the United States which has at its core a culture shaped by the legacy of slavery and which is defined by drug and alcohol abuse and addiction. The Black underclass includes second- and third-generation welfare recipients, has gangs as a social institution, and has an underground economy built on drug trafficking and prostitution. Today, the Black underclass includes increasing numbers of the rural poor, as well as those who were raised in large urban environments.

The Black underclass, along with some members of the poor of other races, makes up the culture of poverty. Its members share a common system of values

and behaviors. They lack access to legitimate economic resources and adequate medical treatment, forcing them to resort to emergency room health care. They are alienated from most social institutions except those that perpetuate the cycle of poverty and despair: welfare, corrections, and the underground economy.

**Most Black women used in prostitution were born into the Black underclass.**

They lost their childhoods to the streets. Many came of age in juvenile detention centers and matured in adult correctional facilities. They raised some of their children in—and lost some of their children to the culture of poverty, and if we do not do something quickly, they will raise, and lose their grandchildren too.

Sociologist Herman J. Blake figures that “at the 1950-60 rates of change, it would take 60 years in education, 93 years in occupation, 219 years in come of persons, and 805 years in family income for Blacks to achieve parity with whites.

The underground economy was built for the white and privileged on the backs of our Black and Brown. This underground economy is just what it is the lowest form of occupation and employment. While there are escort services where “prostitutes” make more money than those in brothels, this is not true for the majority of those who are engaged in this lifestyle.

**Stop the argument that this is what they want. This is simply not true.** Some men and women love to hit on their partners and commit violence, using them as a human punching bag. Often their partners stay and sometimes they don’t for a vast number of reasons. If we have enough that tolerate it and a side that enjoys doing it will we then legalize domestic violence? Why not? It’s what they want. It’s what they enjoy? In your minds, it’s violence. It brings harm. It’s not safe for the woman or man, no matter what cause it can eventually end in death. So, “NO!”, you wouldn’t legalize it. For the majority of those in prostitution they want out.

We cannot decriminalize a trade for the minority when the majority will suffer the most, namely our Black and Brown communities.

**So, what is the solution? That depends on what we see as the problem.**

I believe that Vednita Nelson summed it up in the Michigan Journal of Gender and Law:

If we see the problem as helping Black women get out of prostitution, then we will continue to design “helping” programs for individual women. That is not a bad thing to do, except that the culture keeps creating more “prostitutes”, who need more programs to get more help. Current systems and programs in place are highly inadequate to heal the deep wounds of misogyny that are infected with racism.

The problem is rooted in that very difficult, tight space where Black women attempt to survive, that space where racism and sexism intersect.

We must not fuel the problem but starve it. Decriminalization or legalization of prostitution (“sex work”) cannot happen in New York State.

## Conclusion

*“What Lies Beneath Prostitution Policy in New Zealand?,” by Maddy Coy Pala Molisa, December 2016*

“Global debates over prostitution boil down to whether or not we can muster the courage to honestly confront the realities of systemic violence and structural power. The pro-full decriminalization lobby says prostitution is just “work”. But this can only hold by routinely downplaying and overlooking how prostitution is based on and reinforces oppressive systems of power. This can only be done if, deep down, we don’t really believe that women are truly human. If deep down, we don’t really believe that sexual objectification can be overcome. Or that male entitlement can be changed. If, deep down, we don’t really believe that men can change. Those who champion the New Zealand model choose to limit our visions to harm-minimalization while keeping the root causes of the harms in place. So, we need to re-examine these choices. And choose again, differently.”

New York State Legislators, let’s not make the wrong choice while we have a chance. Let’s together clip the wings of this bill before it takes flight.

## Statements

- *Arresting those who patronize “prostitutes” is one of the best strategies for countering the activity.* Maura Healey, Massachusetts Attorney General
- *“I vigorously oppose legal prostitution and challenge the claim by supporters that it would help end human trafficking and the exploitation of those lured in the sex trade. I don’t see any public good. Once you legalize an activity, that activity is going to increase. With prostitution, you are trading sex for money. It’s not something we should be condoning.”* State Senator Rob Ortt, R-North Tonawanda
- *“Legalizing prostitution would prompt more desperate people to see their bodies for money. We have a lot of people here who live from paycheck to paycheck. There comes a time when you ask: When are we going to stop changing these laws just for the sake of changing laws, even when it’s at the risk of compromising the moral values of society? We need to refocus on that because we’re seeing big impacts on the upcoming generation.”* David Favro, Clinton County Sheriff, rural Plattsburgh
- *“Our male-dominated culture has ignored, silenced and oppressed women for thousands of years. Gender equality is about challenging historic injustices and promoting the rights and dignity of all.”* Antonio Gueterres, UN Secretary-General
- *“I’ve had to delegate the weekly task of pulling deceased participants information because I just can’t do it anymore. For those who glamorize the sex trade I hope this is a healthy dose of reality for you. We’ve lost over 10% of our participants to overdose and violence.”* Nikki Bell
- *“Sexual assault and sexual harassment are part of the role. They are not isolated incidents. Our role is to be harassed, assaulted, raped. As well as to be an entertainer, counsellor, maid, masseuse.”* Sally (not her real name), is a survivor of the decriminalized sex trade in New Zealand

---

**The New York Alliance Against the Legalization of Prostitution (NYAALP) is committed to promoting human rights for all and ending human trafficking, commercial sexual exploitation and sexual violence of human beings, especially women and girls. NYAALP is comprised of leading advocates and women rights organizations, statewide, national and global coalitions, sex trade survivors, and other experts.**

---